



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDATITLE:** Conduct a Public Hearing to consider an appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane.

**MEETING DATE:** April 18,2007

**PREPARED BY:** Randy Hatch. Community Development Director

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**RECOMMENDED ACTION:** Deny the appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane.

**BACKGROUND INFORMATION:** Wine Country Casino & Restaurant applied for a Use Permit to allow the operation of a card room with a full service restaurant and bar. The applicant currently has an existing card room license and would like to relocate to a larger facility to expand their business and include a full service restaurant and bar. The card room will operate with eight tables and the full service restaurant and bar, seating approximately 75 people; will provide a diverse menu of California cuisine.

The Axtion Jaxson Cardroom located at 29 North Sacramento Street has proposed to transfer their business to the old Gary's Uptown Restaurant and Lounge facility at 1800 S. Cherokee Lane. The card room license is the only one in the city and it has had different owners throughout the years. The current principal owner of Axtion Jaxson Cardroom, Jack Morgan obtained his card room license permit on April 23, 2003. At the time he obtained the original card room license from the California Department of Justice Division of Gambling Control, the City of Lodi's Municipal Code did not require a Use Permit for a card room license. As a result of the change of location, the applicant has applied for said use permit.

At their February 14, 2007 meeting the Planning Commission conducted a public hearing and conditionally approved the Use Permit request of Wine Country Casino and Restaurant for the proposed card room operation with a 3-2 vote.

**ANALYSIS:** On March 1,2007, the City Clerk's office received an application from Kenneth R. Owen for an appeal regarding the Planning Commission approval of a Conditional Use Permit for Wine Country Casino and Restaurant. The appeal was filed timely in **accordance** with Lodi Municipal Code Section 17.72.110. Mr. Owen and his organization, Christian Community Concern (CCC), is a non-profit organization that has been in existence in Lodi since 1985. According to their appeal (Exhibit A), the CCC is opposed to both the location of the proposed card room and the expansion of gambling in the City of Lodi.

The proposed card room is located in a C-2 General Commercial Zone. Lodi Municipal Code Section 17.39.025 permits card rooms in C-2 General Commercial zone properties after securing a use permit from the Planning Commission. The Planning Staff prepared a staff report (Exhibit B) and a presentation

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APPROVED:   
Blair King, City Manager

for the Wine Country Casino and Restaurant's card room proposal to the Planning Commission for their meeting on February 14, 2007. Prior to the Planning Commission meeting, staff contacted the Lodi Police Department for their comments regarding the location of the proposed card room. The Police Department had no concerns with the new location of the proposed card room. Staff also contacted the Division of Gambling Control for any issues or concerns regarding the new location of the card room. The Division of Gambling Control requires the applicant to provide them a copy of the approved Conditional Use Permit from the City. In regards to the transfer of the alcohol license for the proposed card room, restaurant and bar, staff spoke to the Department of Alcohol and Beverage Control (ABC). ABC does not have any special requirements in regards to the transfer of the Type-47 ABC License to the card room with a restaurant and bar. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales.

Based upon the review of the proposal and the proposed "Conditions of Approval" (Exhibit C), staff recommended that the Planning Commission approve the Use Permit request of Wine Country Casino & Restaurant to allow the operation of the proposed card room. The proposed use is compatible with the surrounding land uses in the vicinity of the project site and is consistent with the General Plan land use description, goals, policies and overall direction.

**FISCAL IMPACT:** N/A

**FUNDING:** N/A

  
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Randy Hatch  
Community Development Director

RH/kjc

Attachments: Kenneth R. Owen Appeal Application  
Planning Commission Staff Report  
Draft Resolutions



**City of Lodi**  
**Community Development Department**  
P.O. Box 3006  
221 W. Pine Street  
Lodi, California 95241-1910

**Application for Appeal**  
**Before the Board of Appeals**  
**For the City of Lodi**

**General Information Required**

Appellant's Name Phone  
Kenneth R. Gwen 209-368-0990

Mailing Address  
10908 N. Micke Grove Rd., Lodi, CA 95240

Relation to Subject Property (Pertaining To Appeal)  
☐ Owner ☐ Tenant ☐ Property Manager/Agent ☒ Other: concerned citizen

*In the case of multiple appellants, each must fill out an Application for Appeal, but they can submit together under one fee.*

Subject Address Assessor's Parcel No.  
1800 S. Cherokee Lane, Lodi, CA 95240 Parcel# 06051

Subject Property Owner's Name Phone  
Leon Croce Trust, P O Box 555, Lodi, CA 95241

Subject Property Owner's Mailing Address

RECEIVED  
CITY OF LODI  
JAN 10 2008

**STAFF USE ONLY**

Appeal No.

Related Notices/Documents

Issued By:

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<input checked="" type="checkbox"/> CM	<input type="checkbox"/> IS
<input checked="" type="checkbox"/> CA	<input type="checkbox"/> LIB
<input checked="" type="checkbox"/> CD	<input type="checkbox"/> PR
<input type="checkbox"/> EUD	<input type="checkbox"/> PD
<input type="checkbox"/> FIN	<input type="checkbox"/> PW
<input type="checkbox"/> FD	<input type="checkbox"/> COM

**Appeal Information Required**

Provide a statement of the **specific** order or action protested, together with any material facts claimed to support the contentions of the appellant, and any relief sought and reasons why it is claimed that the protested order or action should be reversed, modified, or otherwise set aside.

We are protesting the action taken by the Lodi Planning Commission concerning the "conditional use Permit" for Wine Country Casino and Restaurant that was approved on February 14, 2007. Our primary concerns are as follows: The area for the proposed casino is mostly residential with a few businesses on Cherokee Lane. We do not feel this is a good location for this type of business. Secondly, Cherokee Lane is a major gateway for people coming from Highway 99 south. This is the first business they will see when coming into Lodi. It is also a major corridor for residents who will be using it going to and from their homes.

In addition to concerns we have for the location, we also feel that a broader discussion about the whole issue of expanding gambling in Lodi should take place.

Please see attached pages for additional details:

*Attach Additional Pages If Necessary*

Initial Review of Appeal: There will be an initial Administrative Review of this appeal to determine whether this Department can resolve the issues under appeal. If the issues can be resolved through this Administrative Review, then the \$300 Appeal Fee will be returned to the Appellant.

Staying Order Under Appeal: Except for Notices to Vacate, enforcement of any notice and order of the Building Official shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

I certify, under penalty of perjury, that I acknowledge the filing of this appeal and that the matters stated in this appeal are true and accurate.

Date

Signature

Print Name

Date/Time Received

By:

Fee Paid:

*Kenneth R. Gwen*

KENNETH R. GWEN



# Christian Community Concerns

## Pertinent facts relating to the Wine Country Casino & Restaurant:

On May 17, 2006, the City Council conducted a hearing on a proposed amendment to the city ordinance to expand gambling in Lodi from 6 to 8 tables, and increasing the number of players from 7 to 10 at each table. The amendment would also allow the game Texas Hold 'em, and allow the card room to stay open two hours later on Saturday and Sunday till 4 a.m. Jack Morgan the owner of Axtion Jackson's, a local card room on Sacramento Street, approached the City Council about changing the existing ordinance.

At that time, Mr. Morgan did not have another location to move to, so the action was to just expand the City Ordinance to allow the expansion at that time. On June 7, 2006, the City Council did in fact vote to repeal and reenact chapter 5.12 'cardrooms,' in its entirety, "of ordinance no. 1779 entitled an ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5."

Three Council Members were in favor, Hansen, Johnson, and Mounce, while Councilman Beckman voted no, and Mayor Hitchcock was absent, so it passed 3-1.

On February 14, 2007, the matter was taken up again by the Lodi Planning Commission to vote on a "Conditional Use Permit" for a particular location at 1800 S. Cherokee Lane, formerly known as Jazzy J's. After a two hour discussion, the Planning Commission voted 3-2 with two absent to approve the Conditional Use Permit, and clear the road for the card room which will be known as Wine Country Casino and Restaurant.

Christian Community Concerns which is a (501)c3 non-profit organization has been in existence in Lodi since 1985. We are basically involved with moral issues that have the potential of having great adverse effects on the citizens of Lodi and the surrounding community. I am the Founder/Director of the organization.

CCC is opposed to both the expansion of gambling in Lodi, and the proposed location that has been chosen to house the card room for the following reasons.

- The area between Cherokee, Harney, Stockton, and Kettleman lane is mostly residential with a few businesses on Cherokee Lane. A card room is not a good mix for a high residential area such as this.

- Cherokee Lane is a major gateway for people coming from 99 south. This is the first business they will see when coming into Lodi. It is also a major corridor for residents who will be using it going to and from their homes.

THESE ARE OUR PRIMARY CONCERNS REGARDING THE LOCATION CHOSEN AS GROUND ZERO FOR THE EXPANSION OF GAMBLING IN LODI.

In addition to the reasons we feel this is the wrong location for a card room in Lodi, we also feel a broader discussion about the expansion of gambling in Lodi should take place.

- We believe that the City Council has only heard one side of the issue. I apologize for not being more vocal at the time the expansion ordinance was passed. We would like the opportunity to bring a community awareness to this ordinance and the effects of expanding gambling in Lodi.
- Up to this point, gambling has been very inconspicuous in Lodi. Those who want to gamble have had to go looking for a card room. **If this** expansion at the proposed location does in fact take place, it will be very conspicuous, and potentially could create many more habitual gamblers and create more societal problems for Lodi.
- The attorney for the Casino said that, "The City of Lodi will be partners with us in this venture, because the City will receive nine percent of the monthly revenue." Why would the City want to be in partners with this type of business? That truly is a moral issue.

**CITY OF LODI**  
**PLANNING COMMISSION**  
**Staff Report**

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**MEETING DATE:** February 14, 2007

**APPLICATION NO:** Use Permit: 07-U-01

**REQUEST:** Request for a Use Permit to allow the operation of a proposed card room at 1800 S. Cherokee Lane.  
(Applicant: Wine Country Casino & Restaurant. File Number: 07-U-01.)

**LOCATION:** 1800 S. Cherokee Lane  
APN: 062-060-51

**APPLICANT:** Wine Country Casino & Restaurant  
P.O. Box: 560  
Lodi, CA 95241

**PROPERTY OWNER:** Leon A. Croce Trust  
P.O. Box: 555  
Lodi, CA 95241

**RECOMMENDATION**

Staff recommends that the Planning Commission approve the Use Permit request of Wine Country Casino & Restaurant to allow the operation of a proposed card room at 1800 S. Cherokee Lane, subject to the conditions in the attached resolution.

**PROJECT/AREA DESCRIPTION**

**General Plan Designation:** GC, General Commercial

**Zoning Designation:** C-2, General Commercial

**Property Size:** 48,352 square feet. (Approx. 6,000 sq. ft. existing building floor area)

The adjacent General Plan, zoning and existing land use are as follows:

**North:** C-2, general commercial. Zoning to the north is a car dealership.

**South:** C-2, general commercial. Zoning to the south is a vacant commercial lot.

**East:** C-2, general commercial. Zoning to the east is State Route 99.

**West:** C-2, general commercial. Zoning to the west are residential and automobile oriented retail establishment.

## **SUMMARY**

Wine Country Casino & Restaurant is requesting a Use Permit to allow the operation of a card room with a full service restaurant and bar. The applicant currently has an existing card room license and would like to relocate to a larger facility to expand their business and include a full service restaurant and bar. The card room will operate with eight tables and the full service restaurant and bar, seating approximately 75 people, will provide a diverse menu of California cuisine.

## **BACKGROUND**

The Axtion Jaxson Cardroom formerly located at 29 North Sacramento Street has proposed to transfer their business to the old Gary's Uptown Restaurant and Lounge facility at 1800 S. Cherokee Lane. The card room license is the only one in the city and it has had different owners throughout the years. The current principal owner of Axtion Jaxson Cardroom, Jack Morgan obtained his card room license permit on April 23, 2003. At the time he obtained the original card room license from the California Department of Justice Division of Gambling Control, the City of Lodi's Municipal Code did not require a Use Permit for a card room license. As a result of the change of location, the applicant has applied for said use permit. The applicant is currently in the process of transferring an existing Type-47 ABC License (On Sale Beer & Wine – Eating Place) on the property to the new business. The new facility will enable the applicant to include a full service restaurant and bar with the card room business.

## **ANALYSIS**

The applicant has operated an existing card room at 29 N. Sacramento Street and plans to relocate his business to an existing commercial building at 1800 S. Cherokee Lane. The applicant would like to relocate his business to a larger building to include a full service restaurant and bar to compliment the card room. The commercial building will be comprised of two areas. The card room will be located on the north side of the building and the restaurant will be located on the southern half of the building (see attached floor plan). The card room will be separated from the restaurant and bar by a sliding wall that will remain closed at all times during card operation. In addition, the applicants are installing a 42 inch high wall around the card tables to provide additional separation of the card room from the restaurant and bar. The applicants will install a double glass door for the main entrance to the card room on the north side of the building. Customers will be greeted and screened by security personnel upon entering the card room. The proposed business hours for the card room restaurant and bar will be seven days a week, Monday through Friday, from 10:00 a.m. to 2:00 a.m., and Saturday and Sunday from 10:00 a.m. until 4:00 a.m., as required by Section 5.12.140 of the Lodi Municipal Code. In addition, the bar will stop selling alcoholic beverages at 2:00 a.m. to comply with State regulations. In accordance with Section 17.39.025 of the Lodi Municipal Code, a card room business is permitted in the C-2 General Commercial district by securing a Use Permit from the Planning Commission.

Staff has contacted the Lodi Police Department for their comments regarding the location of the proposed card room. The Police Department has no concerns with the new location of the proposed card room. Staff has also contacted the Division of Gambling Control for any issues or concerns regarding the new location of the card room. The Division of Gambling Control requires the applicant to provide them a copy of the approved Conditional Use Permit from the City. In regards to the transfer of the alcohol license for the proposed card room, restaurant and bar, staff spoke to the Department of Alcohol and Beverage Control (ABC). ABC does not have any special requirements in regards to the transfer of the Type-47 ABC License to the card

room with a restaurant and bar. The sale of alcoholic beverages as part of a restaurant is required by the State Department of Alcoholic Beverage Control to be secondary to food sales.

Historically, the City has generally supported restaurants seeking an ABC license because they typically do not have alcohol related problems. Because the Wine Country Casino & Restaurant is a restaurant that will sell beer, wine and distilled spirits with food, staff does not anticipate that the alcohol related sales will create any problems. The applicant will hire approximately 25 employees for the restaurant and card room. Each card room employee must obtain and possess a valid work permit issued by the chief of police as required by Section 5.12.070 of the Lodi Municipal Code. The applicant will also provide extra security lighting around the premise and install 24-hour exterior and interior surveillance cameras. Security personnel will also be employed at all times during the hours of operation.

With respect to parking and landscaping, the proposed card room and restaurant will be required to have a total of 39 parking spaces, based upon the City's Municipal Code requirement of 1 space per 4 seats for restaurants and similar use (Section 17.60.100). The proposed card room and restaurant facility currently has sufficient parking spaces with 84 spaces on the premise. The applicant is currently in the process of restriping the entire parking lot. The applicant is also proposing to maintain and improve the current landscaping on the proposed project site. In addition, signage for the property will require a building permit and will be reviewed by the Community Development Department.

Based upon the review of the proposal and the proposed "Conditions of Approval", staff supports the request for the relocation of the card room and the operation of the restaurant with a bar. The proposed use is compatible with the surrounding land uses in the vicinity of the project site.

#### **ENVIRONMENTAL ASSESSMENTS:**

The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 1532 Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.

#### **PUBLIC HEARING NOTICE:**

Legal Notice for the Use Permit was published on February 2, 2007 and 11 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property as required by California State Law §65091 (a) 3. Staff also posted a copy of the public hearing notice at the project site and also gave a copy to the manager of the adjacent condominium to distribute to existing property owners. Based on the information provided to staff, it was determined that there are no Planning Commission members who reside within a 500-foot radius of the project area.



**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the Request with Alternate Conditions
- Deny the Request
- Continue the Request

Respectfully Submitted,

Concur,

Rick Caguiat  
Junior Planner

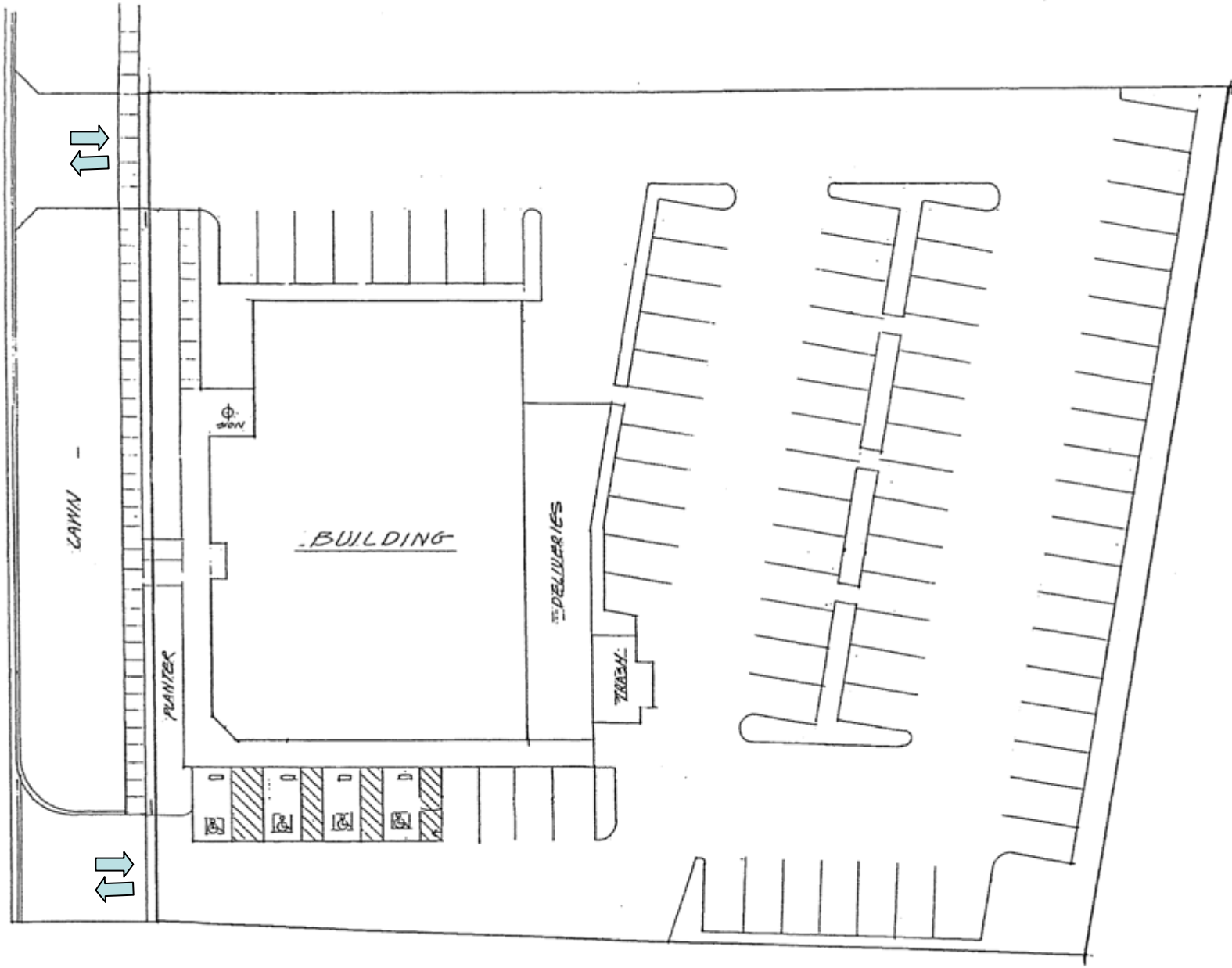
Randy Hatch  
Community Development Director

**ATTACHMENTS:**

1. Vicinity Map
2. Site Plan
3. Floor Plan
4. Existing Landscape Plan
5. Project description from applicant
6. Draft Resolution



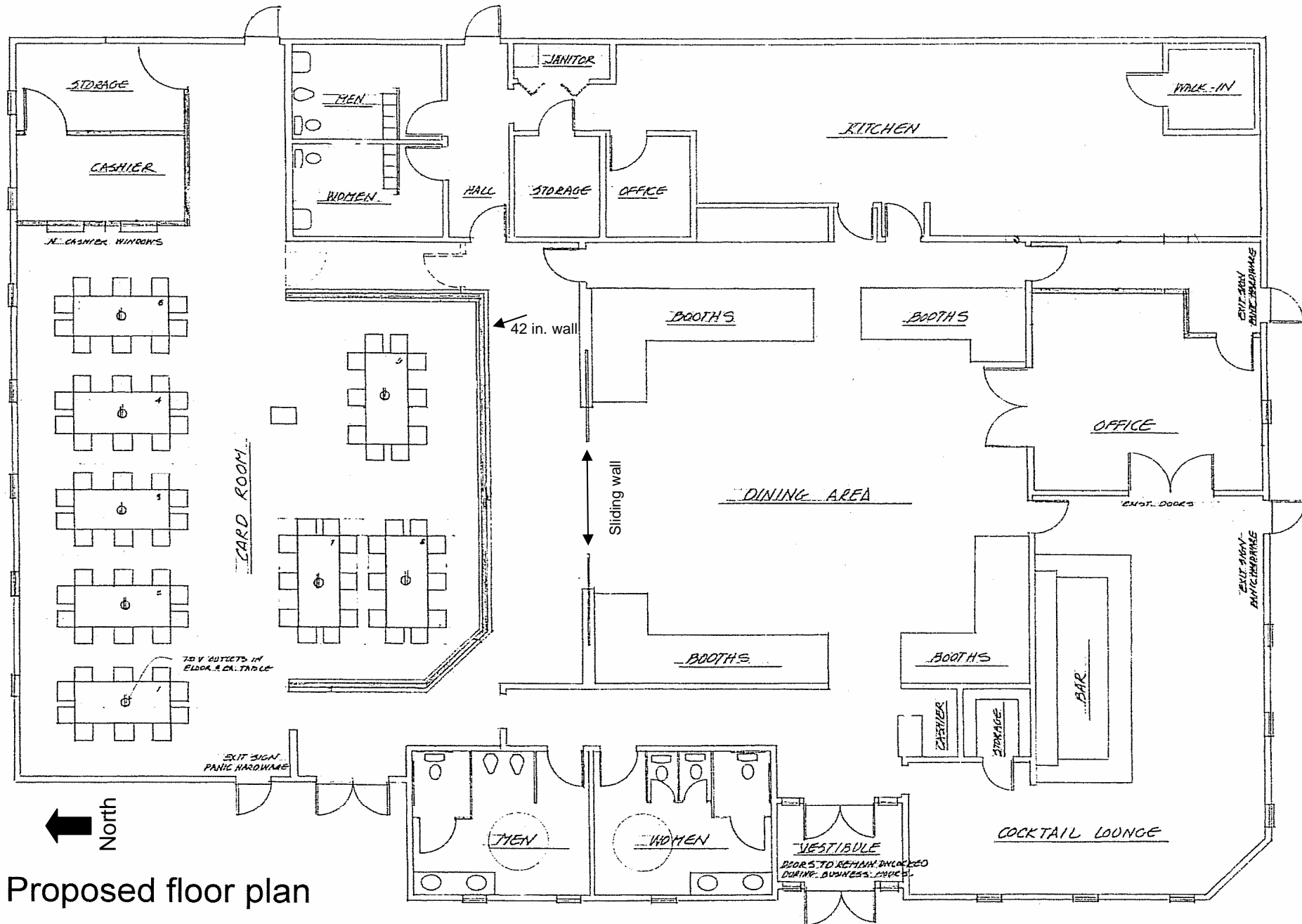
Cherokee Lane



Site Plan

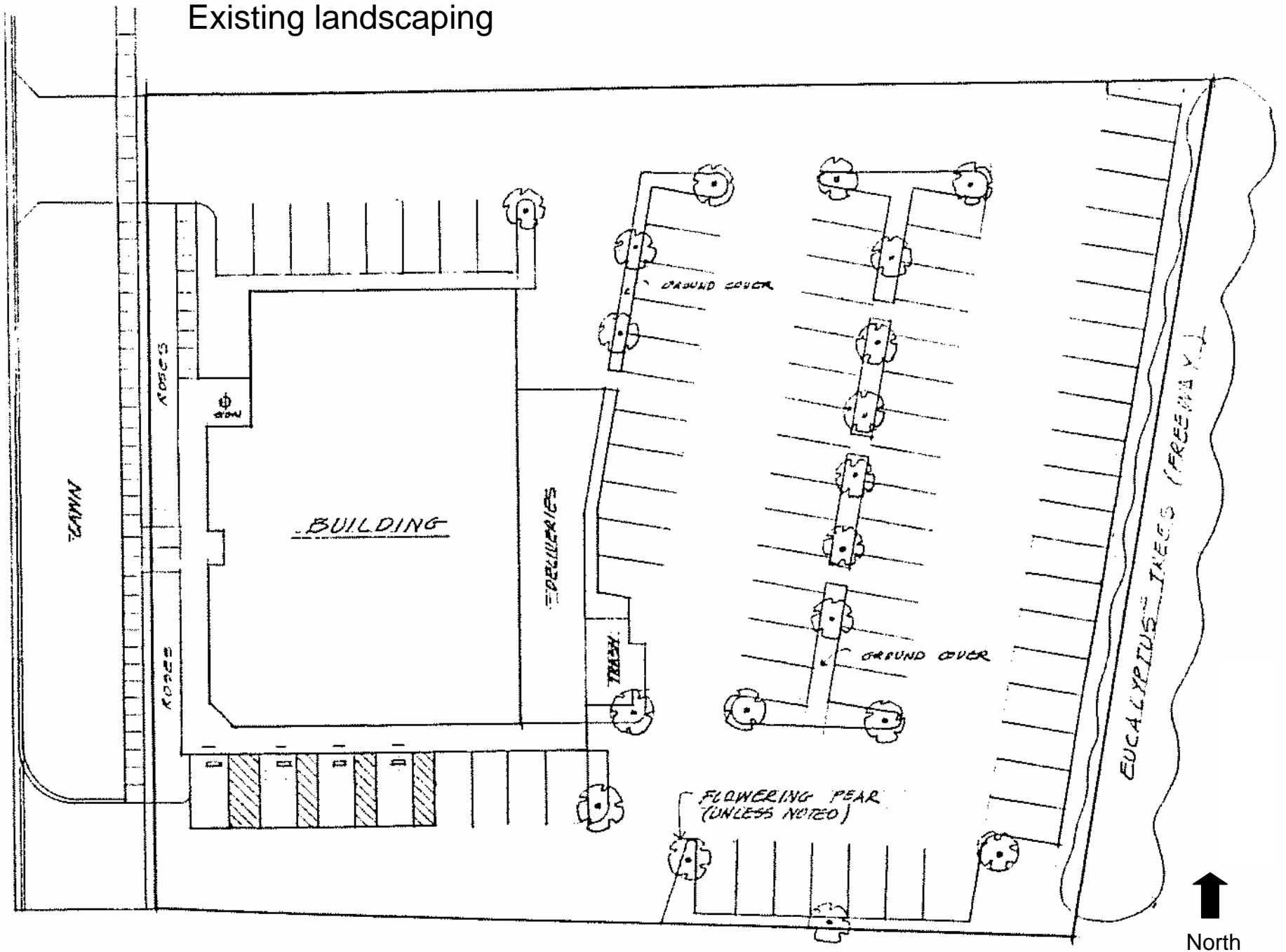


State Route 99



Proposed floor plan

# Existing landscaping



## Project Description

LODI CARDROOM, INC., DBA  
WINE COUNTRY CASINO & RESTAURANT

LODI CARDROOM, INC., dba WINE COUNTRY CASINO & RESTAURANT, is a newly-formed corporation which recently acquired the leasehold interest in 1880 S. Cherokee Lane, Lodi, California, a 6,000 square foot restaurant and banquet facility. The Company brings together a unique ownership consisting of experienced cardroom owners, a cardroom consultant, and legal expertise. The principal owner, Jack Morgan, currently owns and operates Action Jaxxon Cardroom on Sacramento Street in Lodi. Upon opening this facility, his license will be transferred to the new cardroom. The other owners include David and Natalie Lewis, owners of the Cameo Club Cardroom in Stockton, Chris Ray, a former Department of Justice gaming investigator, and three local attorneys, Thomas J. Newton, Stephen C. Snider, and James V. DeWara III. Daily operations will be managed by Ryan Lewis, son of David Lewis, who has extensive expertise in restaurant and cardroom operations and management.

The cardroom will operate eight tables offering lowball, draw poker, pinochle, panguini, rummy, Texas hold'em or bridge as defined in *Lodi Municipal Code Chapter 8.12*. Additionally, a full-service restaurant and bar seating approximately 75 patrons will provide a diverse menu of California cuisine.

## FACILITY

Addit

#### HOURS OF OPERATION AND SECURITY

The cardroom and restaurant will be operated seven days a week, Monday through Friday, from 10:00 a.m. to 2:00 a.m., and Saturday and Sunday from 10:00 a.m. until 4:00 a.m., as approved by the Lodi City Council. No one under the age of 21 shall be permitted at any card table or to participate in any game played thereat.

Security personnel will be employed at all times during the hours of operation.

## EMPLOYEES

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## SUMMARY

Wine Country Casino & Restaurant will offer Lodi not only a first-class cardroom and restaurant facility, but also an additional source of revenues from its operation through the form of generated sales tax and gross revenue permit fees.

**RESOLUTION NO. P.C. 07-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING  
THE REQUEST OF WINE COUNTRY CASINO & RESTAURANT FOR A USE PERMIT TO  
ALLOW THE OPERATION OF A PROPOSED CARD ROOM AT 1800 S. CHEROKEE  
LANE.**

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and
- WHEREAS,** the project proponent is Wine Country Casino & Restaurant, P.O. BOX: 560, Lodi, CA 95241 and
- WHEREAS,** the property owner is Leon A. Croce Trust, 2156 P.O. BOX: 555, Lodi, CA 95241
- WHEREAS,** the property is zoned C-2, General Commercial which allows a card room business with approval of a Use Permit; and
- WHEREAS,** the property is located at 1800 S. Cherokee Lane; and
- WHEREAS,** all legal prerequisites to the adoption of this Resolution have occurred; and
- WHEREAS,** the proposed Use Permit is consistent with all zoning and General Plan standards.

Based upon the evidence in the staff report and project file, the Planning Commission of the City of Lodi makes the following findings:

1. The proposed use will be consistent with all applicable goals, policies and standards of the City's adopted General Plan Policy Document and with the site's Commercial General Plan Diagram designation.
2. The proposed use is in compliance with the City's Municipal Code requirements and the Use Permit has been reviewed in accordance with Chapter 5.12 of the Lodi Municipal Code.
3. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the health, safety, peace or general welfare of the City.
4. The project was found to be categorically exempt according to the California Environmental Quality Act, Article 19 1532 Class 21 (a) (2). The project is classified as an "Enforcement action by regulatory agencies" because it is the "adoption of an administrative decision or order enforcing...the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective." No significant impacts are anticipated and no mitigation measures have been required.

**NOW, THEREFORE, BE IT DETERMINED AND RESOLVED** by the Planning Commission of the City of Lodi that the Use Permit 07-U-01 is hereby approved, subject to the following conditions:

Community Development Department, Planning:

1. The applicant shall secure all required Building, Fire Department, Electric Utility and Public Works Department permits and approvals, and pay all applicable fees.

2. The applicant shall comply with applicable Federal, State, and County regulations and adopted standards. The applicant shall also comply with Chapter 5.12 of the Lodi Municipal Code.
3. Not more than eight tables shall be permitted in the card room and not more than ten players shall be permitted at any one card table.
4. No person under the age of twenty-one shall be permitted at the card room area, nor shall any person under the age of twenty-one be permitted to participate in any game played thereat.
5. Card rooms may be operated seven days a week and shall not open until the hour of ten a.m. Card rooms shall close at two a.m. on the mornings of Monday, Tuesday, Wednesday, Thursday, and Friday. Card rooms may remain open until the hour of four a.m. on the mornings of Saturday and Sunday. Such schedule of hours shall be clearly posted at the card room in order to provide adequate notice of its hours of operation.
6. All card rooms shall be open to police inspection during all hours of operation
7. There shall be posted in the card room in letters plainly visible from all parts thereof, signs stating that "no game except lowball, draw poker, without variations as defined by Hoyle, pinochle, pangini, rummy, Texas Hold 'Em, and contract or auction as bridge as those games are defined by the California Department of Justice, Division of Gaming Control, shall be played in the card room". These signs shall also contain such other information relating to the regulations contained in Section 5.12.140 of the Lodi Municipal Code as the chief of police may require.
8. No person who is in a state of intoxication shall be permitted in any card room.
9. Prior to initiation of the card room facility, a video surveillance system with continuous recording capability, and approved by the Police Department, shall be in place. The video surveillance system shall cover the exterior of the premises, including the parking lot and entrance to the card room. It shall also cover any counting room, cage, safes, gaming tables, and any other location on the premises that the Police Department deems necessary.
10. For 1 to 100 patrons, a minimum of one Police Department-approved, State-licensed, uniformed security officer shall be provided during the hours of operation.
11. The sliding wall separating the card room from the restaurant and bar shall remain closed at all times during card room operation.
12. Upon the discretion of the Chief of Police or a representative thereof, additional security guards may be required.
13. All signs shall be subject to approval by the Community Development Department.
14. Structures, landscaping, signs and other improvements, including exterior paint, shall be maintained in a manner so as not to be blighted or deteriorated.
15. Prior to opening to the public, the applicant shall submit a detailed landscape and irrigation plan to be reviewed and approved by the Community Development Director and installed within 3 months of opening. If the landscaping and irrigation is not installed within 3 months, a revocation hearing date shall be scheduled before the Planning Commission.
16. The operator of the card room shall police the area surrounding the building to prevent patrons from congregating/loitering outside the premises and to prevent parking and noise problems.



17. This use shall be subject to a yearly noticed review before the Planning Commission until such review are deemed by the Planning Commission to be no longer needed.
18. Outdoor lighting shall be shielded to avoid shining on residential areas.
19. The dining room shall be operated within 3 months of the card room being opened to the public.
20. Any graffiti on the property shall be removed within 24 hours.
21. "No Loitering" signs shall be posted on the exterior of the business in accordance with the Lodi Municipal Code.

Fire Department:

1. The City inspection notice of corrections dated 12/29/06 shall have all items corrected prior to opening to the public and receiving a Certificate of Occupancy.
2. Building Permit for Tenant Improvement (B19045) shall be approved and all items inspected prior to opening to the public.

Dated: February 14, 2007

I hereby certify that Resolution 07-02 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 14, 2007, by the following vote:

AYES: Commissioners: Mattheis, Moran and Chair Kuehne  
NOES: Commissioners: Cummins and Kiser  
ABSENT: Commissioners: Heinitz and White  
ABSTAIN: Commissioners:

ATTEST:

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Planning Commission Secretary

**SUMMARY OF DISCUSSION**  
**LODI PLANNING COMMISSION MEETING OF FEBRUARY 14, 2007**

I.1

a) Lodi Card Room:

Peter Pirnejad, Planning Manager, reported that the applicant currently has an operating card room in Lodi and would like to move to this new location allowing for a restaurant as well. This application is for the card room portion only, because the previous tenant had a Use Permit for the Alcohol Beverage Control License and that runs with the land. Mr. Pirnejad gave a brief PowerPoint presentation. Before entering the card room patrons will be asked to show ID by security set up at the entrance. Staff has been in contact with the City of Stockton, who has had an application like this already before them, and has incorporated some of their conditions into our conditional Use Permit. The business will employ approximately 25 employees for the restaurant and card room. The card room employees will need to obtain and possess a valid work permit issued by the Chief of Police. The applicant will also be required to provide additional security lighting around the premises and install 24 hour surveillance cameras both inside the facility and out. Staff feels that the landscaping is not adequate and will be requiring additional landscaping plans to be submitted to the Planning Department and approved by the Community Development Director prior to Certificate of Occupancy or opening. The public hearing notices were hand delivered to the condo complex kiddy-corner from the project area because the individual addresses were not available to us via our regular computer link.

In response to Commissioner Cummins's question regarding the card room being in business today and how many tables they may have, Mr. Pirnejad stated that he would have to refer those questions to the applicant.

In response to Commissioner Cummins's question regarding the exterior lighting plan, Mr. Pirnejad stated that there was not a lighting plan submitted.

In response to Commissioner Cummins's questions regarding the consumption of Alcohol while playing, Mr. Pirnejad stated that they will be allowed to be served Alcohol, but the condition reads that they, patrons, can not be intoxicated while playing.

In response to Commissioner Kiser's question regarding the type of ABC License currently available at the project site, Mr. Pirnejad stated that the Use Permit that is currently with the property is a General ABC License. Distilled spirits can be served throughout the entire facility.

In response to Commissioner Mattheis's question regarding the anticipated traffic in regards to the neighborhood circulation area and the calculated parking needed, Mr. Pirnejad stated that a traffic analysis was not done due to the fact that there was an existing restaurant use there. Parking was calculated using the restaurant (1 to 4) one space for every table of four. Using that ratio the project needed thirty four spaces and they currently have eighty four.

Commissioner Mattheis expressed his concern over where the overflow parking would be. He feels that the card players and employees will probably arrive in individual vehicles taking up 105 spaces, then there will be the restaurant patrons on top of that. Mr. Pirnejad stated that there wasn't an overflow plan submitted, so that would be a good question for the applicant.

In response to Chair Kuehne's question regarding parking on the street, Mr. Pirnejad stated that he wasn't sure, but seeing nods in the crowd deferred to them.

In response to Commissioner Mattheis's question regarding signage, Mr. Pirnejad stated that it was not a part of this application. A sign is reviewed by Planning during the building permit process.

In response to Vice Chair Moran's questions regarding the timing of the opening of the restaurant compared to the card room, Mr. Pirnejad stated that life safety issues may have an effect (example: having part of the building open for business while still renovating). Mr. Schwabauer added that the opening of the card room for all practical purposes would have to coincide with the restaurant if they wanted to serve alcohol.

In response to Commissioner Cummins's question regard signage plans, Mr. Hatch stated that there isn't a sign plan in planning yet, but there have been some preliminary discussions. The thought is to use the existing signage structures.

In response to Commissioner Cummins's regarding the card room Ordinance, Steve Schwabauer stated that the City Council adopted a new Ordinance about six months ago. The Ordinance was written specifically to allow this card room to play Texas Hold'em and to expand the number of tables. A conditional Use Permit was also placed as a condition for this type of establishment, so that if problems should arise the permit can be revoked by the Planning Commission. There isn't anything in the Ordinance regarding how close it can be to a residential neighborhood.

In response to Chair Kuehne's question regarding the work permit issued by the Chief of Police, Mr. Pirnejad stated that the condition is to make sure that a thorough background check gets done on all the employees.

Commissioner Mattheis disclosed that he spoke with the proponent at their request to discuss the project.

Tom Newton, 529 Plumb Court - applicant, came forward to speak in favor of the project. Mr. Newton introduced the partners involved in the project that were present. Mr. Newton wanted to reassure the neighborhood that this establishment will be a good neighbor. This will not be a gang hangout; it will cater to a higher class of clientele. Mr. Newton feels that the 84 parking spaces will be more than adequate, but he is hoping not.

In response to Commissioner Mattheis's question regarding the overflow parking, Mr. Newton stated that there is a vacant lot south of this property that could be used for overflow parking if need be. Mr. Newton added that the property to the south is not paved.

In response to Commissioner Cummins's question regarding the current card room license, Mr. Newton stated that there are several card games that can be played in the card room, but the most popular being Texas Hold'em.

In response to Commissioner Cummins's question regarding the security, Mr. Newton stated that there will be security both inside and out.

In response to Commissioner Moran's question regarding the timing of the opening of the card room and restaurant, Mr. Newton stated that the restaurant and card room will be opening at the same time.

In response to Commissioner Kiser's question regarding the security guards being armed, Mr. Newton stated that he didn't know the answer to that question.

Chris Raye, 1142 Rivergate Dr., came forward to answer questions. Mr. Ray stated that the kitchen and card room will open up at the same time. The restaurant will open later. There will be unarmed security inside and out and there will also be security camera inside and out. Mr. Ray stated that in the future if the establishment does go with armed security, he sees at least one armed guard on hand at night. He also stated that the lighting outside will be upgraded.

In response to Commissioner Mattheis's question regarding the landscaping, Mr. Ray stated that the landscaping is currently being updated and improved and will be approved by City Staff before opening. He also added that the trim paint turned out to be the wrong color and will be changed.

James Demera, 242 Valley Oak Place, came forward to answer questions regarding the parking issue at Commissioner Mattheis's request. He stated that there is additional parking along Cherokee Lane on both sides. The only restriction is that the vehicle can not be over six feet high.

Ken Owen, Christian Community Concerns Direct, came forward in oppose the project. Mr. Owen doesn't feel this is in the best interest of the neighborhood or the City. The location is a major gateway entering the City and will be the first impression people will get of our City. He stated his concerns with the location of the establishment being so close to the residential condominiums across the street. He feels that the quiet atmosphere of the neighborhood will be lost with the 24/7 operating hours. Another concern that Mr. Owen has is the adverse affect this establishment will have on the property values in the neighborhood. The signage could also be a concern should the City allow for a lit sign flashing all night long. Mr. Owen is requesting that the Use Permit be denied.

Ryan Lewis, Applicant 552 W. Ben Holt Dr., came forward to answer question. Mr. Lewis has worked at the Cameo Casino in Stockton for 5 years and the call out for police was/is minimal. He also stated that

the employees will have to go through a very thorough background check with the State Department of Gaming. Mr. Lewis wanted to point out that this property has been depressed for some time and several restaurants have come and gone in this location. Now the property will be maintained in a positive manner.

In response to Commissioner Cummins's question regarding the number of card tables currently being used vs what is being proposed, Mr. Lewis stated that the number of tables will increase but the number of card rooms will not. Commissioner Cummins stated that he met with Sargent Tattum, regulator of card rooms in Stockton, and he stated that the biggest concern was the illegal activities of the patrons such as loan sharking and drugs. Mr. Lewis stated that in the past five years the Cameo has had to deny entry to about twelve patrons do to illegal activities. Loan sharking, drugs or any other illegal activities are not tolerated and when someone is found and proven to be doing the illegal activity they are dismissed and not allowed on the premises in the future. One patron is not worth loosing our license.

Jack Morgan, 1800 Capell St., came forward to support the project. Mr. Morgan has owned Action Jackson for five years and hasn't had any trouble with the police during that time.

Ann Cerney, 900 W. Vine St., came forward to speak on the project. Ms. Cerney is concerned about the addictiveness of the alcohol and gambling and the effect it can have on the lower income families. She would like to see some precautions taken by the applicant to try to prevent these addictions.

Khurram Shahzad, 1634 Cherrywood Way, came forward to oppose the project. Mr. Shahzad feels that the lower income residences along Almond Dr. will find this location to convenient.

Joseph Goss, 722 Evergreen Dr., came forward to support the project. Mr. Goss is here to state his love of the game. He has worked in and around card rooms and the gaming industry for many years. He feels this will be a positive establishment for the community. There are a lot of opportunities for this type of establishment to give back to the community in a positive manner (ie through local charities).

In response to Commissioner Mattheis's question regarding a condition allowing for a 1 year review, Mr. Hatch stated that there isn't a review period currently in the resolution, but one can be added.

In response to Commissioner Kiser's question regarding the noticing of the meeting, Mr. Hatch stated that staff went beyond the required steps for the noticing of the Public Hearing by going to the condominiums on the corner and posting that area directly.

Commissioner Cummins stated his objections to the project and would like to see more information brought forward (a lighting plan, landscaping plan, and traffic study) for consideration and can not support the project at this time.

Commissioner Mattheis stated that he would like to see a yearly review until the Planning Commission feels no more reviews are needed. He feels that Cherokee Lane would be an adequate buffer from the residential area.

Commissioner Moran stated she would also like to see a yearly review as well. She would also like to see a condition added that states a specific time period between the opening of the card room and restaurant (3 months). Ms. Moran would like to see a time frame add to condition 15 regarding the landscaping completion and the lighting should not shine onto other property. The chief of police should have discretionary review of the staff which could be a part of the Gaming Ordinance approved by Council.

Commissioner Cummins restated his objection to approving a project without all the details.

Commissioner Kiser agrees with Commissioner Cummins and would like to see more information brought to the Commission before this goes forward.

Commissioner Mattheis stated that he doesn't have an objection to letting Staff look at and approve the landscaping and signage design.

Randy Hatch stated the additional conditions: addition to condition 15 "...and installed within 3 months of opening"; new condition 17 "this use shall be subject to a yearly noticed review before the Planning Commission until such reviews are deemed by the Planning Commission to no longer be needed; new condition 18 "outdoor lighting shall be shielded to avoid shining on residential areas"; new 19 "the dinning room shall be operational within 3 months after the card room is open to the public"; new 20 "graffiti shall be removed within 24 hours"; new condition 21 "No Loitering' signs shall be posted on the exterior of the business in accordance with the Lodi Municipal Code."

The questions was raised as to if the conditions were not met within the time allowed what are the steps taken. Mr. Hatch stated staff would do a code enforcement action and revoke there license to operate. Commissioner Cummins asked if that would be an immediate action. Commissioner Mattheis stated that an addition could be placed on condition 15 to state that if the landscaping was not in place within the 3 months a revocation hearing would be brought before the Commission.

Mr. Hatch amended condition 15 to state ".....3 months of opening. If not installed by the 3 month date, a revocation hearing shall be scheduled before the Planning Commission."

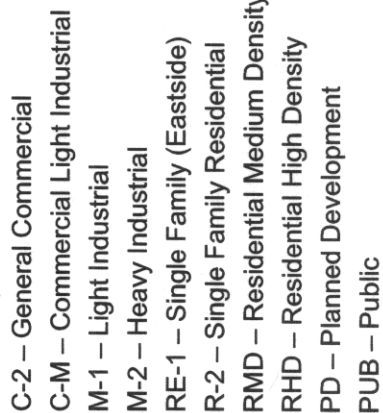
MOTION/ VOTE:

The Planning Commission, on motion of Commissioner Moran, Mattheis second, approved the request of the Planning Commission for a Use Permit to allow the operation of a card room at 1800 S. Cherokee Lane subject to the attached resolution with the added conditions as stated above. The motion carried by the following vote:

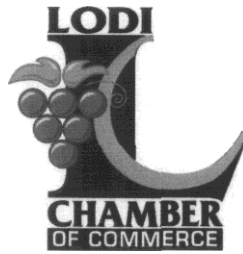
Ayes: Commissioners – Mattheis, Moran, and Chair Kuehoe

Noes: Commissioners – Cummins and Kiser

Absent: Commissioners – Heinitz and White



I-1



RECEIVED  
2007 APR 18 PM 2:16  
CITY CLERK  
CITY OF LODI

April 18, 2007

Honorable Mayor Bob Johnson,  
Esteemed City Council Members  
& City Staff

Dear Council Members;

The Chamber Board of Directors has reviewed the grounds for appeal and proposal for the approval of a conditional use permit for Wine Country Casino.

Wine Country Casino has agreed to meet and adhere to the conditions placed on the permit by the Planning Commission. Wine Country Casino's operating plan meets and exceeds the requirements of both City of Lodi ordinances, and State laws applicable to operation of this type of business. Based on this compliance, the Chamber recommends you vote in support of this application, agreeing with the planning commission and denying the appeal before council.

Beyond these reasons, the new partnership of owners seem to be doing many things to improve upon the business as we know it today, currently located on north Sacramento Street. The new business plan includes uniformed security, surveillance equipment constantly monitoring the card room and bar areas as well as surrounding the outside of the building, physical separation of card room and bar, no pool table, no juke box and a strict no loitering policy outside the building. In short this is a positive extreme business makeover.

On Behalf of the  
Chamber Board of Directors,

Pat Patrick  
President / CEO

**REASONS FOR REPEALING THE DECISION OF THE LODI PLANNING COMMISSION  
ON FEBRUARY 14, 2007,  
TO ALLOW THE WINE COUNTRY CASINO AND RESTAURANT  
TO LOCATE AT 1800 S. CHEROKEE LANE IN LODI.**

- The area between Kettleman and Harney Lane on Cherokee Lane is made up of mostly family residences, with just a few businesses north of Almond Drive. We do not believe ~~this~~ type of business is a good fit for a residential area.
  
- We do not believe the home owners in the area who would be most effected by ~~this~~ Casino were adequately notified that this type of business ~~was~~ being planned in that location.
  
- The ramp from 99 south is a major gateway for ~~traffic~~ coming into Lodi. Is ~~this~~ the first ~~thing~~ we want people ~~to~~ see when they come into Lodi?
  
- Cherokee Lane is also a major corridor for all of the people in that area going to and from home.
  
- The Stone Tree Condominium Project, across the ~~street~~ from the proposed Casino, ~~has~~ 90 – 2 and 3 bedroom family units. With less than 50% of them sold presently, the Casino could have a negative effect on sales in the future.



**REASONS FOR RE-CONSIDERING THE LODI CITY COUNCIL'S  
DECISION TO EXPAND THE GAMBLING ORDINANCE,  
DATED JUNE 7, 2006.**

**STUDIES FROM CALIFORNIA AND ACROSS AMERICA HAVE SHOWN THAT GAMBLING  
BRINGS WITH IT THE FOLLOWING EFFECTS:**

**GAMBLING DEVASTATES INDIVIDUALS AND FAMILIES:**

For many, gambling is the same as any other addictive problem, such as alcohol or drug addiction. Hundreds of families will be destroyed in Lodi because of this expansion.

**GAMBLING INCREASES CRIME IN THE COMMUNITY:**

Gambling always brings increased criminal activity into the community attracting local gangs into the business of "loan sharking," drunk driving, assaults, robberies, follow home crimes, home invasions, rape, increased drug dealing, bad check writing, just to name a few.

**GAMBLING CANNIBALIZES OTHER LOCAL BUSINESSES:**

Gambling creates no new wealth, and creates no new product. It involves the sterile transfer of money away from other local businesses.

**GAMBLING DETERS NEW BUSINESS AND DEPRESSES LEGITIMATE BUSINESS:**

Gambling siphons off thousand of dollars from the regular business community.

**GAMBLING INCREASES LOCAL SOCIAL AND WELFARE COSTS:**

Losses due to gambling weakens the stability of the family, and lowers the standard of living.

**GAMBLING CORRUPTS LOCAL GOVERNMENT:**

Gambling interests always seek to influence city officials by contributing large amounts of money. In the year 1998, Indian tribes became the top campaign spenders in California politics. \$9.8 million was contributed by tribes to legislative candidates. \$902,605 was given to then Governor Gray Davis and \$204,901 to Lt. Governor Cruz Bustamante, while 18 legislators received more than \$30,000 each for their election campaign. One legislator received a record \$327,000. Wine Country Casino in Lodi will become "partners with City Hall by offering 9% of monthly revenues, which could be between \$90,000 & \$200,000 per year. That's a very generous offer.

**GAMBLING HAS A POOR RECORD AT PRODUCING REVENUE:**

Studies show for every dollar cities receive from gambling, they will incur three dollars in costs.

**GAMBLING ATTRACTS ORGANIZED CRIME:**

From the lips of former mafia member, William Jahoda, come these words. "Any new form or expansion of legalized gambling always increases our client base."

**GAMBLING REVENUES VIOLATE ALL SOUND THEORIES OF TAXATION:**

Gambling revenues are regressive, inequitable, variable, and unpredictable.

**GAMBLING PRODUCES HUMAN DESPERATION:**

Gambling victimizes the poor. Crime is often the result of trying to recoup their losses.

42 SOLD

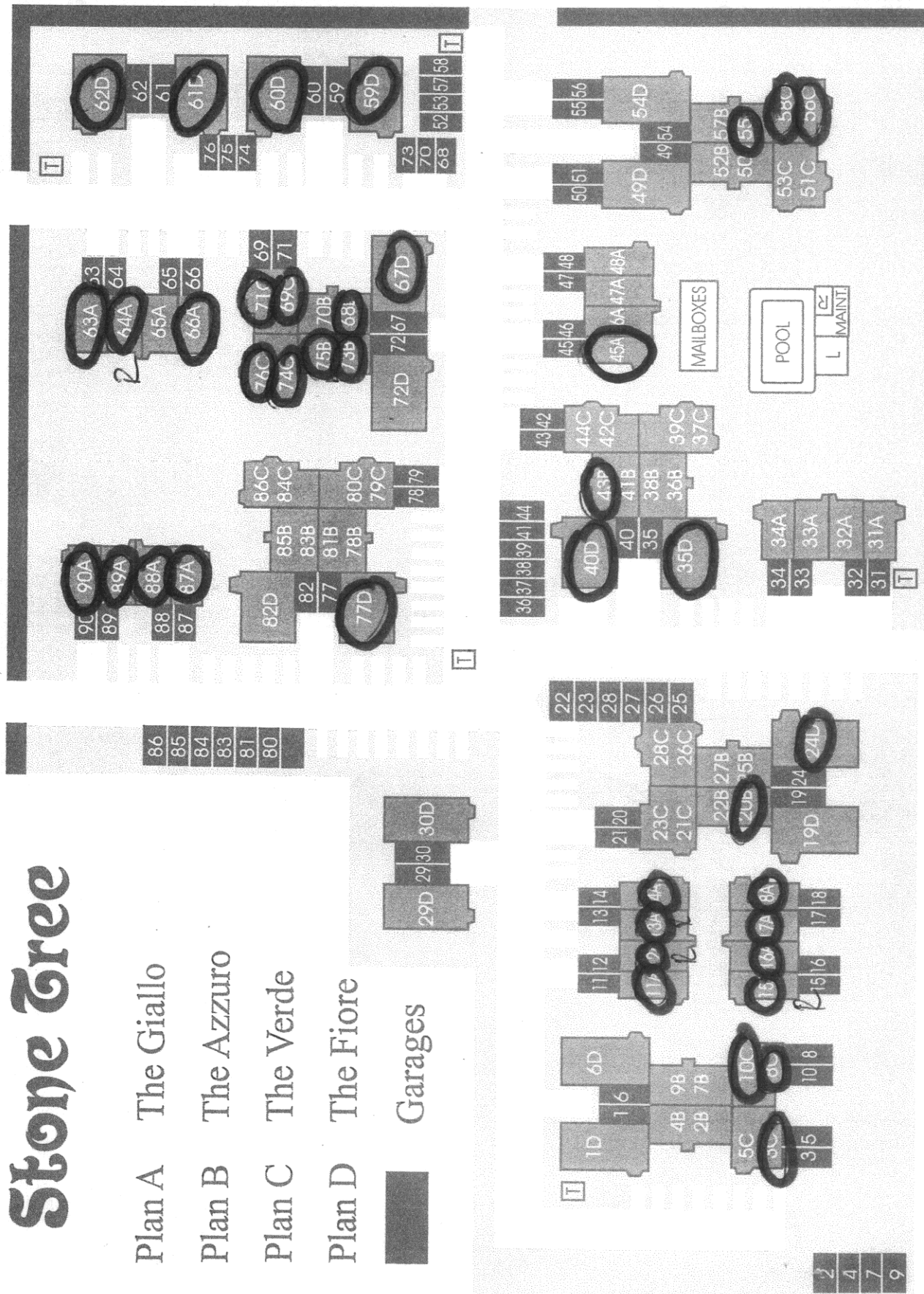
# Site Map

ALMOND DRIVE

## Stone Tree

- Plan A The Giallo
- Plan B The Azzuro
- Plan C The Verde
- Plan D The Fiore
- Garages

CHEROKEE LANE





**EXCERPTS FROM THE 2006 CALIFORNIA PROBLEM  
GAMBLING PREVALENCE SURVEY**

**CALIFORNIA DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS  
OFFICE OF PROBLEM AND PATHOLOGICAL GAMBLING**

**DATA COMPILED BY NATIONAL OPINION RESEARCH CENTER  
UNIVERSITY OF CHICAGO**

past-year, monthly and weekly gamblers (see Table 6) by the number of adult Californians who participated in these activities at different rates in the past year (see Table 3).

**Table 7: Comparing Gross Revenues and Estimated Losses by Gambling Venue**

	2004 Gross Revenues	2005 Estimated Losses
Casino	\$5.78 billion	\$9.1 billion
Lottery	\$1.4 billion	\$1.7 billion
Track/OTB	\$800 million	\$426 million
Cardroom	\$655 million	\$591 million

Table 7 shows that there is a distinct lack of fit between reported **gross** revenues for tribal casinos in California and estimated losses among **casino** patrons as well as for **gross** revenues and estimated losses among racetrack bettors. Conversely, the fit between reported **gross** revenues for the California Lottery and the **cardrooms** and estimated **losses** among lottery players and **cardroom** bettors is quite good.

There **are** at least **two** likely reasons for the lack of fit between reported revenues and estimated losses for tribal **casinos** and racetracks in California. One reason is the well-known tendency for survey respondents to over-state their expenditures on some gambling activities, particularly casino table games and pari-mutuel betting. Another reason is our **inability—using survey methods—to** account for sources of gambling revenues derived from out-of-state **players** and, separately, high-end players. A substantial fraction of gambling revenues, particularly from casino table games and some pari-mutuel betting pools, have **historically** been derived from a very **small** number of high-end players. Due to the amount of money that these individuals put into play at casinos (and to a lesser extent in other games), any denomination of gambling in monetary **units** based on **survey data** **will** likely be missing this component (Volberg, Gerstein et al, 2004).

## The Geography of Gambling in California

The relationship between increased access to legal gambling and the **prevalence of** at-risk, problem, and pathological gambling is important in **light** of the remarkable expansion of gambling throughout the U.S. and internationally over the last 25 years. Increased gambling opportunities **aeate** more problem **and** pathological gamblers by increasing the risk of exposure. As more people gamble, the risks are greater that individuals **with** speafic vulnerabilities will gamble and develop problems related to their gambling. Major government **reviews** in the United States, Great Britain, Australia, and New Zealand have **all** concluded that increased gambling availability has led to an increase in

problem gambling and that future increases will generate additional problems (Abbott, 2001; ~~Gambling Review~~ Body, 2001; National ~~Research~~ Council, 1999; Productivity Commission, 1999).

One important goal of the California prevalence survey is to assess the distribution of gambling and problem gambling throughout the State in relation to geography. In *this* section, we examine the survey data in relation to gambling participation; we examine the ~~data~~ in relation to problem gambling in a later section (see *The Geography of Problem Gambling in California* on Page 66).

### **Data Sources and Analytic Approach**

**Respondent Data.** The California survey included a series of questions designed to permit exploration of the proximity issue. Most pertinent here, we obtained the **ZIP** code of the respondent's primary residence to provide information comparable to the addresses of gambling regions and venues. Additionally, we asked all respondents their impressions regarding the number of casinos, racetracks, cardrooms, ~~lottery~~ outlets, and bingo ~~halls~~ within 20 minutes drive of their residence and we asked past-year gamblers how much time it took for them to get to each facility in which they last placed a bet during the year.

**Regions of California.** The Department of Alcohol and Drug Programs recognizes 15 sections of California, with each section including about four counties. In view of the size of the survey sample, we aggregated these 15 sections into six geographically contiguous regions as shown in Figure 2 on the following page. The regions varied in population from approximately 10 million in Los Angeles County (the only region comprised of a single county) to approximately 3 million in Upper Southern California, most of them living ~~along~~ the coast from Ventura to Santa Barbara and in the western comers of Riverside and San Bernardino counties, adjacent to coastal Los Angeles and Orange.

There are substantial differences in the demographic characteristics of the survey respondents residing in the six regions in California. Respondents in the Central and Upper Southern regions are least likely to be male while respondents in the Northern region ~~are~~ most likely ~~to~~ be male. Respondents in the Central region are most likely to be under the age of 40 ~~while~~ those in the Northern region are most likely to be age 40 and ~~over~~. Respondents in the Northern region are the most likely and those in the Bay Area and Los Angeles regions the least likely to have been born in the United States. Finally, respondents in the Northern region are the most likely to be non-Hispanic Whites; respondents in the Los Angeles and Central regions are the most likely while those in the Bay Area and Northern regions are the least likely to be Hispanic; respondents in the Los Angeles region are most likely to be African American and respondents in the Bay Area are far more likely to be Asian than respondents in every other region of the state—50% more likely than

This table shows that average past-year casino losses increase significantly across the low-risk, at-risk and problem gambling groups with losses among problem and pathological gamblers just over ten times higher than among low-risk gamblers. Losses on private wagering and the lottery show a similar trend, increasing significantly as gambling problems increase. Past-year losses on horse race betting are significantly higher among problem gamblers compared with low-risk and at-risk gamblers. Past-year cardroom losses are significantly higher among problem gamblers compared with low-risk gamblers but the differences between low-risk and at-risk gamblers, on the one hand, and at-risk and problem gamblers, on the other, are not statistically significant. The differences in past-year losses on Internet gambling across gambler types are not statistically significant and none of the pairwise comparisons are significant for past-year losses on bingo.

When past-year losses are summed across the various venues, problem and pathological gamblers ( $M = \$10831.80$ ,  $SE = 1124.59$ ) recall losing significantly more money than either at-risk gamblers ( $M = \$2590.72$ ,  $SE = 326.03$ ) or low-risk gamblers ( $M = \$918.22$ ,  $SE = 95.35$ ) and at-risk gamblers recall spending significantly more money than low-risk gamblers ( $F(2, 2670) = 210.85$ ,  $p < .001$ ).

### ***Proportion of Losses by Problem Gambler Type***

We noted above that there is great interest among policymakers, regulators and other stakeholders in the question of the proportion of gambling revenues accounted for by problem and pathological gamblers. While there are difficulties in obtaining accurate information on gambling losses from survey respondents, it is possible to examine the proportion of reported losses accounted for by low-risk, at-risk and problem and pathological gamblers to obtain an approximation of how heavily different sectors of the legal gambling industry in California rely for revenues on problem and pathological gamblers.

Table 24 presents information about the proportion of losses accounted for by low-risk, at-risk and problem and pathological gamblers for the largest sectors of the gambling industry in California. This table shows that tribal casinos and cardrooms are the sectors of the gambling industry in California that rely most heavily on problem and pathological gamblers for revenues. As a group, problem and pathological gamblers account for over 50% of the losses reported by all of the respondents who gambled at a casino or cardroom in the past year. More generally, the data in this table indicate that problem and pathological gamblers account for much larger proportions of annual losses than their prevalence in the general population, or even among past-year participants in specific gambling activities, would suggest (see Table 14 on Page 63).

**Table 24: Proportion of Losses Accounted for by Low-Risk, At-Risk and Problem Gamblers**

	Total Estimated Losses	Low-Risk Gamblers %	At-Risk Gamblers %	Problem & Pathological Gamblers %	Sig.
Lottery	\$1.7 billion	51.4	16.6	32.0	<.001
Casino	\$9.1 billion	25.2	22.4	52.4	<.001
Track/OTB	\$426 million	48.9	9.2	41.9	.003
Cardrooms	\$591 million	17.2	28.1	54.7	.018

As we have noted elsewhere, there is evidence that **all** gamblers engage in a range of cognitive biases, including illusions of control, superstitions, erroneous beliefs, biased evaluation of outcomes, and distorted assumptions about randomness (Ladouceur & Walker, 1996). There is no scientific evidence at present to support the notion that problem gamblers' reporting **errors** are different from low-risk gamblers' reporting **errors**. However, if **this** were the **case**, then **survey** estimates of the proportion of losses for a particular game derived from problem gamblers or frequent players **will** be affected by these errors. Further research is needed to examine **this** issue in depth.

## Physical, Mental, and Emotional Correlates of Problem Gambling

### **Physical and Mental Health**

Table 25 presents differences between low-risk, at-risk and problem gamblers on several health-related **dimensions**. **This** table **shows** that problem gamblers **are** significantly more likely than at-risk **or** low-risk gamblers in California to identify their physical health **status as** poor or fair **as** opposed to **good** or excellent.

**Table 25: Differences in Physical and Mental Health by Problem Gambler Type**

	Low-Risk Gamblers (4982) %	At-Risk Gamblers (674) %	Problem & Pathological Gamblers (264) %	Sig.
General health poor to fair	20.5	26.5	36.2	<.001
Physical impairment	19.4	21.4	34.5	<.001
Mental impairment	4.0	5.3	11.6	<.001
Depression (past year)	12.2	20.3	37.0	<.001
Suicidal thoughts (ever)	7.9	13.1	19.7	<.001
Suicide attempt (ever)	2.3	4.5	8.0	<.001



Problem gamblers **are** also significantly more likely than at-risk **or** low-risk gamblers to acknowledge that they presently have a physical disability (including bearing problems, vision problems and mobility problems) **or** an emotional or mental disability. Finally, problem gamblers are significantly more likely than at-risk **or** low-risk gamblers to have experienced symptoms of **major** depression at some **time** in their lives and within the past 12 months and to have ever contemplated **or** attempted suicide.

### *Tobacco, Alcohol and Illicit Drugs*

Table 26 presents information about tobacco, alcohol and illicit drug use among low-risk, at-risk and problem gamblers in California. This table **shows** that at-risk and problem gamblers in California are significantly more likely than low-risk gamblers to smoke cigarettes on a daily basis. The table also shows that past-year illicit **drug** use is significantly **higher** among at-risk and problem gamblers than among low-risk gamblers. Marijuana is the most frequently used illicit **drug**, followed by tranquilizers, cocaine, other **drugs** (including **drugs**, hallucinogens, opiates and inhalants) and methamphetamine. Past-year marijuana use is correlated generally with gambling-related problems and shows little variation in relation to problem level. Past-year tranquilizer, cocaine, methamphetamine and other illicit drug use is significantly higher among pathological gamblers compared with problem gamblers as is daily cigarette smoking (see Table XX in Appendix A)

**Table 26: Tobacco, Alcohol and Drug Use Among Low-Risk, At-Risk and Problem Gamblers**

	Low-Risk Gamblers (4982) %	At-Risk Gamblers (674) %	Problem & Pathological Gamblers (264) %	Sig.
<b>Tobacco and Alcohol Use</b>				
Daily cigarette use	12.3	25.9	29.0	<.001
Weekly alcohol use	18.3	21.2	15.4	.090
Largest # drinks in 24 hours (past year)				
Didn't drink in past year	31.4	28.3	37.9	<.001
1 - 2	44.8	26.5	32.9	
3 - 4	26.0	22.4	20.7	
5 - 7	15.6	21.3	19.5	
8 or more	13.7	29.8	25.8	
<b>Drug Use</b>				
Past year marijuana use	8.2	16.7	17.4	<.001
Past year tranquilizer use	1.5	3.3	5.8	<.001
Past year cocaine use	1.0	2.7	3.4	<.001
Past year other drugs	1.0	1.3	4.2	<.001
Past year methamphetamine use	0.7	1.9	4.6	<.001

Given the abundance of research demonstrating a link between alcohol misuse and gambling-related problems, it is surprising that the relationship between weekly alcohol *consumption* and gambling-related problems in California is not statistically significant. An even more surprising finding is that problem gamblers in California are the least likely respondents to have consumed *any* alcoholic beverages in the past year. Despite significantly lower rates of past-year alcohol consumption, the lifetime rate of help-seeking for an alcohol or drug problem is significantly higher among problem gamblers than among low-risk or at-risk gamblers. Among respondents who had consumed alcohol in the past year, 4% of low-risk gamblers and 7% of at-risk gamblers have ever sought help for problems related to their drinking *or* drug use compared with 10% of problem gamblers and 23% of pathological gamblers ( $p < .001$ ).

### ***Family, Indebtedness and Criminal Justice Impacts***

Table 27 shows differences in the impacts of problematic gambling on family, indebtedness and the criminal justice system *among* low-risk, at-risk and problem gamblers in California. This table shows that problem gamblers in California are significantly more likely than low-risk or at-risk gamblers to have been troubled in the past year by the gambling involvement of someone they know. Respondents who have been concerned about the gambling of someone with whom they do not live are most likely to have been concerned about a friend or acquaintance (59%), followed by immediate family members (18%, primarily siblings and parents) and extended family members (15%). This table also shows that problem gamblers in California are significantly more likely than low-risk or at-risk gamblers to have been troubled by the gambling of someone they lived with in the past year. Respondents concerned about the gambling of someone they live with are most likely to have been concerned about a spouse *or* domestic partner (36%), followed by immediate family members (24%) and friends or acquaintances (23%). While low-risk and at-risk gamblers are most likely to have been concerned about a spouse or domestic partner, problem gamblers are most likely to have been concerned about a friend or family member.

In a further indication of the impact of problem gambling on families, respondents who answered the problem gambling questions in the survey were queried at the end of this section about whether they had ever argued with a family member about their gambling to the point where it became emotionally harmful. When asked if they had ever 11  
gambling, 2% of at-risk gamblers, 10% of problem gamblers and 79% of  
replied that they had argued about their gambling to the point where it became emotionally harmful.

**Table 27: Differences in Family, Financial and Criminal Justice Impacts by Problem Gambler Type**

	Low-Risk Gamblers (4982) %	At-Risk Gamblers (674) %	Problem & Pathological Gamblers (264) %	Sig.
Troubled by someone else's gambling	12.0	15.0	30.3	<.001
Troubled by gambling of s'one you live with	2.4	3.6	8.0	<.001
Household debt				<.001
None	19.4	16.3	26.8	
Less than \$10,000	18.8	25.1	17.7	
\$10,000 - \$200,000	33.8	33.6	33.3	
\$200,000 or more	28.0	25.1	22.1	
Don't know or refused	16.1	11.2	6.9	
Ever filed for bankruptcy	7.9	9.0	11.3	.105
Ever arrested	13.5	25.0	35.1	<.001
Ever incarcerated	6.3	11.1	20.5	<.001

This table also shows that there are significant differences among low-risk, at-risk and problem gamblers in California with regard to amounts of household debt, including car loans, student loans, credit card debt, mortgages and other loans. However, the difference is only significant because low-risk gamblers are much more likely to claim that they do not know the extent of their indebtedness or refuse to answer the question while problem gamblers are much more likely to say that they do not have any household debt. In contrast to similar surveys in other jurisdictions, there is no significant difference in rates of bankruptcy among low-risk, at-risk and problem gamblers.

Finally, this table shows that problem gamblers in California are significantly more likely than low-risk or at-risk gamblers to have ever been arrested and incarcerated. As Table A-29 in Appendix A shows, pathological gamblers, in turn, are significantly more likely than problem gamblers to have ever been arrested and ever incarcerated, suggesting that the magnitude of criminal justice impacts increases with problematic gambling status.

## CARDROOM ORDINANCE COMPARISON

	<u>LODI</u>	<u>STOCKTON</u>
1. License fee	9% of Gross Revenues (Lodi Ord. §5.12.170)	2 1/2% of Gross Revenues (Stkn. Ord. §6-034.4)
2. Hours of operation	4 am weekends, 2 am weekdays (§5.12.140(G))	2 am weekends and weekdays (§5-012.2(B)(6)(f))
3. Alcohol in cardroom	Yes – allowed, except persons in state of intox. not permitted in cardroom (§5.12.140(M))	No – disallowed (“No alc. bev. shall be purch., sold, given away, or in any manner provided or consumed in the cardroom.” (§5-012.2(B)(6)(p)))
4. Annual renewal of license	Not required	Required (§5-008.9)
5. Annual investigation of owners and managers	Not required	Required (“All licensees . . . shall have their background and criminal history investigations updated annually.” (§5-008.10))
6. Transfer of license	No restriction	Investigation required of proposed transferee (§5-011.1)
7. Security personnel	Not mentioned	Required plus patrons not allowed to sleep in parking lot (§5-008.1)
8. Annual financial audit	Only if requested by city (§5.12.170(B))	Required (“At the end of each fiscal year, the licensee shall employ at licensee’s expense a recognized <del>firm</del> of CPA’s as approved by the City to conduct an audit of licensee’s financial records . . ..” (§5-012(A)(2)))



**DIVISION OF GAMBLING CONTROL**

**P.O. Box 168024**  
**Sacramento, CA 95816**  
**Public: (916) 263-5385**

**Facsimile: (916) 263-0928**  
**(916) 263-5715**

April 2, 2007

RE: Self-Exclusion Program

The Department of Justice, Division of Gambling Control, is currently in the process of creating a self-exclusion database to better serve the Responsible Gambling **Program**. The database will contain the self-exclusion patron's personal information and photo for identification purposes.

While the database is in the process of being created, the Division plans to distribute Self-exclusion Bulletins via email or postal service to all gambling establishments. Upon receipt of the bulletin, please follow the guidelines below: ■

1. Familiarize all gambling establishment employees with the self-exclusion bulletin.
2. Notify the Division in writing if anyone fitting the description of the self-excluded patron tries to enter your establishment. Notification shall include the following:
  - Self-excluded patron's name
  - Date and time of incident
  - Gambling Establishment Name
  - Give a detailed account of the incident: Events leading up to and following the patron being escorted **out** of the establishment.
  - ~~Were~~ police or security involved?

3. Email ~~this~~ notification to Michelle.Abe@doj.ca.gov or mail to  
Division of Gambling Control  
1425 River ~~Park~~ Drive, Suite 400  
Sacramento, CA. **95815**  
Attn: Michelle Abe

Self-Exclusion Program

April 2, 2007

Page 2

Prior to implementation of the database please submit the name and email address of the person who should receive Self-exclusion Bulletins as soon as possible to the Division of Gambling Control @ [Michelle.Abe@doj.ca.gov](mailto:Michelle.Abe@doj.ca.gov). If you do not have access to email we will continue to send a hard copy to the gambling establishment designated agent, unless otherwise specified. Enclosed is a copy of the first participant in our self-exclusion program. We appreciate your involvement and are excited to be working with you to make this program a success!

In addition, we have enclosed a letter from the California Gambling Control Commission and a copy of the adopted regulation. If you have additional questions, please feel free to contact me at the number listed above.

Sincerely,



MICHELLE ABE  
Responsible Gambling Program Analyst  
Division of Gambling Control

For EDMUND G. BROWN JR.  
Attorney General



**California Department of Justice  
Division of Gambling Control  
Statewide Self-Exclusion Bulletin**

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**SUBJECT: JAMESRAMSAY MOFFAT**

The California Division of Gambling Control is providing the below information *to* all California Card Rooms in an effort to assist problem gamblers in their recovery. Any person depicted below fitting this description **shall** be escorted out of the gambling establishment and a report shall be made to the Division of Gambling Control via e-mail at [Michelle.Abea@doj.ca.gov](mailto:Michelle.Abea@doj.ca.gov) or via US Mail at 1425 River Park Drive, Suite 400, Sacramento, **CA** 95815. (See California Code of Regulations, Title 4, sections 12463 and 12464.)



Last Name: **MOFFAT**  
First Name: **JAMES, RAMSAY**  
Gender: **Male**  
Height: **5-07**  
Weight: **175**  
Eyes: **Blue**  
Hair: **White**  
Race: **Caucasian**  
DOB: **01/26/1949**  
Scars, marks, tattoos: **None**  
Game most often played: **Video Poker**  
Term of Exclusion: **Lifetime**

=====

**This Information Bulletin contains sensitive information from the California Department of Justice, Division of Gambling Control. While it is important that licensed/permitted gambling establishment employees have access to this information, please do not post in an area, which is accessible to the general public.**



STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**GAMBLING CONTROL COMMISSION**

DEAN SHELTON, CHAIRMAN

JOHN CRUZ

STEPHANIE SHIMAZU

ALEXANDRA VUKSICH

2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231

(916) 263-0700 Phone

(916) 263-0499 Fax

[www.cgcc.ca.gov](http://www.cgcc.ca.gov)

March 21, 2007

California Cardrooms

On March 5, 2007, the Commission's new regulations for Responsible Gambling went into effect. Because of the new obligations these regulations impose on cardrooms, the Commission is providing you with this letter and copies of the regulations and forms. This letter highlights and summarizes major provisions of the regulations; please review the entire regulations to ensure that you are in full compliance.

- 9 All cardrooms must, by July 1, 2007, post **signage** or provide pamphlets regarding problem gambling at patron entrances/exits, cages, and other conspicuous areas. There are a variety of posters and pamphlets available free of charge from the Office of Problem Gambling's web site, [www.problemgambling.ca.gov](http://www.problemgambling.ca.gov). (See Regulation 12461, subsection (a).)
- 9 All cardrooms that have web sites must, by July 1, 2007, post a responsible gambling message and a link to [www.problemgambling.ca.gov](http://www.problemgambling.ca.gov) on the cardroom web site. (See Regulation 12461, subsection (b).)
- All cardrooms that have advertising material must, by July 1, 2007, have the material contain a responsible gambling message and either a link to [www.problemgambling.ca.gov](http://www.problemgambling.ca.gov) or notice of the helpline number 1-800-GAMBLER. (See Regulation 12461, subsection (c).)
- All cardrooms must, by July 1, 2007, implement procedures for annual employee training concerning problem gambling, and keep records of the training for a minimum of five years. Training does not mean diagnosing problem gamblers, but does entail sharing information with employees about problem gambling so that they are able to tell someone about the 1-800-GAMBLER telephone helpline and understand the self-restriction and self-exclusion programs. Please include information about the training, including date, length, trainer name, and signatures of attendees with your application for renewal. (See Regulation 12462.)
- All cardrooms must, by July 1, 2007, implement procedures for a self-restriction program. Cardrooms may use the model form provided (CGCC-036) or may develop their own forms. For example, cardrooms may choose to allow patrons to restrict themselves from particular games, if the cardrooms



see that as a feasible option, or may choose to have the option to restrict from all games. If a cardroom does not offer check-cashing or credit, the cardroom may delete that option. Finally, cardrooms may offer different periods of time for which a patron wishes to self-ban, although the Commission recommends the three options of one year, five years, or lifetime. (See Regulation 12463.)

- 3 All cardrooms must, by July 1, 2007, implement procedures for the statewide self-exclusion program, using the form provided (CGCC-037). This form may be completed outside of the cardroom and sent directly in to the Division, but the person self-excluding will need to have the form notarized. If a patron wants to complete a self-exclusion form at the cardroom, it does not have to be notarized, but it does have to be witnessed by a key employee. If cardrooms wish to only have certain key employees perform this duty (sometimes referred to as "Ambassadors"), cardrooms must make sure that these specific key employees are available when the cardroom is open. (See Regulation 12464.)

The self-exclusion forms are to be sent to the Division (the address is on the form). The Division is creating a database and will send updates to all cardrooms as new individuals join the statewide self-exclusion list. The first Division Bulletin regarding an excluded person is attached with this letter. A cardroom's policies and procedures must provide for receiving information about excluded individuals, sharing such information with staff, and removing the excluded individual from marketing lists, check-cashing or credit, or flagging the individual's player's bank.

Both self-restriction and self-exclusion list information is to be kept confidential, meaning that it should be shared with cardroom staff and law enforcement (or Commission or Division staff) only. Do not post this information in plain view of patrons and do not discuss who is or is not on the list with outside persons.

If you have questions about these regulations, please contact Commission Staff Counsel Heather Hoganson at (916) 274-6328 or the Division's Responsible Gambling Program Manager, Tern Sue Canale at (916) 263-0372.

Sincerely,



STEVEN V. GIORGI  
Executive Director

Enclosures:

- Regulations for Program for Responsible Gambling with Self-Restriction and Self-Exclusion Forms
- Division Advisory Bulletin

**Addition to Title 4. Business Regulations**  
**Division 18. California Gambling Control Commission**  
**Chapter 7. Conditions of Operation for Gambling Establishments**

**Article 6. Program for Responsible Gambling**

**Section 12460. Article Definitions**

For purposes of this Article:

- (a) "Self-Exclusion" means an irrevocable voluntary agreement to be excluded from gambling establishments and all games or gaming activities or privileges and to be prohibited from collecting any winnings or recovering any losses for a specified term. A Self-Exclusion list shall be maintained by the Division and shall not be open to public inspection.
- (b) "Self-Restriction" means an irrevocable voluntary agreement for a specified term to:
  - (1) Completely exclude from a particular gambling establishment and all games or gaming activities or privileges and to be prohibited from collecting any winnings or recovering any losses,
  - (2) Exclude from the play of a particular game or gaming activity, if the gambling establishment determines that such segregation of games is feasible,
  - (3) Restrict the amount of credit and/or check cashing that may occur at that particular gambling establishment, and/or
  - (4) Exclude from any marketing or promotional activities of the particular gambling establishment.

**Authority:** Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code

**Reference:** Section 19845, Business and Professions Code

**12461. Posting Referral Information**

- (a) Each licensee, by July 1, 2007, shall post or provide, at patron gambling entrances or exits, and in conspicuous places in or near gambling areas and any areas where cash or credit are available to patrons, accessible written materials concerning the nature and symptoms of problem gambling and the toll-free telephone number approved by the Office of Problem Gambling (or its successors) that provides information and referral services for problem gamblers, currently "1-800-GAMBLER.
- (b) If the licensee operates a web site for the gambling establishment, by July 1, 2007, that web site shall contain a responsible gambling message and a link to the Office of Problem Gambling (or its successors) that provides information and referral services for problem gamblers, currently "<http://www.problemgambling.ca.gov>".
- (c) If the licensee produces any advertising material, by July 1, 2007, such material shall contain a responsible gambling message and shall refer to the telephone number listed in subsection (a) above and/or the link to the web site listed in subsection (b) above.

**Authority:** Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.

**Reference:** Sections 19801 and 19920, Business and Professions Code. Sections 4369.2 and 4369.4, Welfare and institutions Code.

1 **12462. Training Requirements**

- 2 (a) Each licensee shall implement, by July 1, 2007, procedures to conduct new employee  
3 orientations and annual training for all employees, excluding food and beverage  
4 servers, who directly interact with gambling patrons in gambling areas.
- 5 (b) New employee orientations and annual training shall be documented, including  
6 signatures by the employee and the licensee or key employee who coordinated the  
7 training, the date and length of the training, and the name of the trainer, as part of the  
8 licensee's application for renewal. Copies of this documentation shall be kept in an  
9 employee's personnel file for a minimum of five years.
- 10 (c) The training shall, at a minimum, consist of information concerning the nature and  
11 symptoms of problem gambling behavior, assisting patrons in obtaining information  
12 about problem gambling programs, and information on the self-restriction and self-  
13 exclusion programs.
- 14 (d) Each licensee shall designate personnel responsible for maintaining the program and  
15 addressing the types and frequency of such training and procedures.
- 16 (e) This section shall not be construed to require employees to identify problem  
17 gamblers.

18 Authority: Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.

19 Reference: Sections 19801 and 19920, Business and Professions Code. Sections 4369.2 and 4369.4,  
20 Welfare and Institutions Code.  
21

22 **12463. Self-Restriction Program**

- 23 (a) Licensees shall implement, by July 1, 2007, a program that allows patrons to self-limit  
24 their access to the gambling establishment entirely, or to the issuance of credit, check  
25 cashing, or marketing by that licensee. Such program shall contain, at a minimum,  
26 the following:
- 27 (1) The development of written materials for dissemination to patrons explaining the  
28 program;
- 29 (2) The development of written forms allowing patrons to participate in the program,  
30 which may include use of a form entitled "Self-Restriction Form" CGCC-036 (New  
31 09-06), attached in Appendix A to this Chapter;
- 32 (3) Policies and procedures for maintaining and updating a list of self-restricted  
33 persons, wherein the confidentiality of the list is protected pursuant to regulation  
34 12466 and **only** agents or employees have access, unless needed by Division staff  
35 or law enforcement pursuant to an investigation or in assisting in a Problem  
36 Gambling program by an entity approved by the Commission;
- 37 (4) Policies and procedures that allow a patron to be excluded from certain games or  
38 gaming activities within the gambling establishment, if the gambling establishment  
39 determines that such segregation of games is feasible, or from the gambling  
40 establishment completely during the term of exclusion, with the exception of  
41 access for the sole purpose of carrying out the duties of employment, including:
- 42 (A) Removal procedures for patrons who attempt entry after requesting to be  
43 excluded,
- 44 (B) Notification to the Division of any incidents of removals where the police and/or  
45 security are called to remove a person from the premises, and

(C) Forfeiture of any money or prizes won or any losses recovered by an excluded person and the remittance of such for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling;

(5) Policies and procedures that allow a patron to be excluded from access to check cashing or the issuance of credit during the term of restriction;

(6) Policies and procedures that allow a patron to be excluded from customer lists maintained by the licensee for direct mail marketing, telephone marketing, and other direct marketing regarding gaming opportunities or promotions at the gambling establishment during the term of restriction;

(7) Policies and procedures for removal of a patron from check-cashing, credit, or marketing opportunities by the gambling establishment.

(b) This section does not mandate that a gambling establishment provide the services of a notary public for persons who wish to complete the Self-Restriction form.

Authority: Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.

Reference: Sections 19801, 19920, and 19954, Business and Professions Code. Section 4369.4, Welfare and Institutions Code.

#### **12464. Self-Exclusion Program.**

(a) Licensees shall implement, by July 1, 2007, a program that allows patrons to self-exclude themselves from gambling establishments using a form entitled "Self-Exclusion Form" CGCC-037 (New 09-06), attached in Appendix A to this Chapter. Such program shall contain, at a minimum, the following:

(1) Policies and procedures for providing Self-Exclusion forms and for sending any completed Self-Exclusion forms to the Division;

(2) Policies and procedures for maintaining and updating a list of self-excluded persons, wherein the confidentiality of the list is protected pursuant to regulation 12466 and only agents or employees have access, unless needed by Division staff or law enforcement pursuant to an investigation or in assisting in a Problem Gambling program by an entity approved by the Commission;

(3) Policies and procedures designed to thwart self-excluded patrons, as noticed by the Commission or Division, from entering the gambling area during the term of exclusion, with the exception of access for the sole purpose of carrying out the duties of employment, including removal procedures for patrons who attempt entry after requesting to be excluded and notification to the Division of any incidents of removals, where the police and/or security are called to remove a person from the premises;

(4) Policies and procedures for the forfeiture of any money or prizes won or any losses recovered by an excluded person and the remittance of such for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling;

(5) Policies and procedures for removal of a patron from customer lists maintained by the licensee for direct mail marketing, telephone marketing, and other direct

1 marketing regarding gaming opportunities or promotions at the gambling  
2 establishment;

3 (6) Policies and procedures for removal of a patron from check-cashing, credit, or  
4 marketing opportunities by the gambling establishment.

5 (b) This section does not mandate that a gambling establishment provide the services  
6 of a notary public for persons who wish to complete the Self-Exclusion form.

7 **Authority: Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.**

8 **Reference: Sections 19801, 19920, and 19954, Business and Professions Code. Section 4369.4, Welfare**  
9 **and Institutions Code.**

10

## 11 12466. Responsible Gambling Program Review

12 (a) The Executive Director or Division staff may require that any licensee make available  
13 for review or submit any of the elements of its program described in this Article, to the  
14 Executive Director or Division staff for review. If the Commission makes an  
15 administrative determination that the licensee's program does not adequately address  
16 the standards as set forth in this Article, then the Executive Director may issue such a  
17 determination identifying the deficiencies and specifying a time certain within which  
18 those deficiencies shall be cured. Judicial review of the Executive Director's decision  
19 is subject to the limitation of Business and Professions Code Section 19804.

20 (b) Failure by a licensee to establish the programs set forth in this Article, or to cure a  
21 deficiency identified pursuant to subsection (a), constitutes an unsuitable method of  
22 operation and is in violation of this section.

23 (c) Protecting the confidentiality of self-restriction or self-exclusion lists includes:

24 (1) Not willfully disseminating self-excluded or self-restricted patrons' names, photos,  
25 or other personally identifying information to third parties or confirming to third  
26 parties whether or not a patron is on a self-exclusion or self-restriction list.

27 (2) Not posting self-excluded or self-restricted patron photos or other personally  
28 identifying information in areas where other patrons would readily notice the  
29 information.

30 (d) In addition to any other remedy under the Gambling Control Act, the Commission may  
31 assess a monetary penalty not exceeding \$1,000 for each violation of this Article.

32 (e) This Article does not create any right or cause of action on behalf of an individual who  
33 participates in self-restriction or self-exclusion under this Article against the state of  
34 California, the California Gambling Control Commission, the Division of Gambling  
35 Control, the Office of Problem Gambling, or any gambling establishment.

36 **Authority: Sections 19811, 19840, 19841(o), and 19920, Business and Professions Code.**

37 **Reference: Sections 19801 and 19920, Business and Professions Code. Section 4369.4, Welfare and**  
38 **Institutions Code.**

39

## 40 Appendix A



## SELF-RESTRICTION FORM

Type or print (in ink) all information requested on this form.

If additional space is needed, please note response on a separate sheet of paper and attach to the form.

### SECTION 1: PERSONAL INFORMATION

Full Legal Name:

First	Middle (if applicable)	Last
-------	------------------------	------

Other Names (Former Names (such as Maiden names), Nicknames, or Aliases / A.K.A.'s):

--

Home Address:

Street	City	State	Zip Code
--------	------	-------	----------

Mailing Address (if different than Home Address):

Street	City	State	Zip Code
--------	------	-------	----------

Home Telephone Number:

( )
-----

Business Number:

( ) .
-------

Games most often played

--

### SECTION 2: RESTRICTION FOR \_\_\_\_\_ (Name of Cardroom or participating gambling facility)

TOTAL EXCLUSION: Initial Appropriate Term: One Year \_\_\_\_\_ Five Years \_\_\_\_\_ Lifetime \_\_\_\_\_

Please delete me from any MARKETING or PROMOTIONAL information: ☐

Please exclude me from this GAME or GAMING ACTIVITY \_\_\_\_\_

Please restrict me from any CHECK-CASHING privileges: ☐ Or Limit as follows: \_\_\_\_\_

Please restrict me from any CREDIT: ☐ Or Limit as follows: \_\_\_\_\_

### SECTION 3: PHOTO AND VISUAL DESCRIPTION

Gender: Male ☐ Female ☐ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Race/Ethnicity: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color/Type: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Date of Photograph \_\_\_\_ / \_\_\_\_ / \_\_\_\_ CA Drivers License: \_\_\_\_\_

**AFFIX A RECENT  
PASSPORT QUALITY  
PHOTOGRAPH  
HERE SHOWING  
HEAD AND SHOULDERS OF  
PERSON TO BE EXCLUDED**

--

SECTION 4: DECLARATION

I understand English or have had an interpreter read and explain this form to me from \_\_\_\_\_  
(Language)

I understand that the ultimate responsibility to limit my access to the Gambling Establishment or participating gambling facility or gaming services in the State of California remains mine alone.

I voluntarily seek to exclude or restrict myself as indicated in Section 2.

If I choose Total Exclusion:

(Initial Here) I agree that I will not attempt to enter and/or use any of the services or privileges of a California Gambling Establishment or participating gambling facility during the period checked in Section 2.

(Initial Here) I acknowledge and understand that should I attempt to enter a California Gambling Establishment or participating gambling facility or use the services of a Gambling Establishment or participating gambling facility during the Term of Exclusion, once identified, I shall be escorted from the Gambling Establishment or participating gambling facility and any winnings or prizes I may have accrued or losses recovered will be confiscated and remitted by the Gambling Establishment or participating gambling facility for deposit into the Gambling Addiction Program Fund for problem gambling prevention and treatment services through the Department of Alcohol and Drug Programs, Office of Problem and Pathological Gambling.

(Initial Here) This self-exclusion request is irrevocable during the time period checked in Section 2.

I understand that disclosure of certain information is necessary to effect my request for self-exclusion or restriction. Disclosure may also occur if needed for the conduct of an official investigation or if ordered by a court of competent jurisdiction.

I will not seek to hold the Gambling Establishment or participating gambling facility liable in any way should I enter a Gambling Establishment or participating gambling facility and/or use any of the services or privileges therein despite this exclusion/restriction request, and I agree to indemnify the State of California: the California Gambling Control Commission, the Division of Gambling Control and the Office of Problem Gambling for any liability relating to this request. Specifically, I for myself, my heirs, executors, administrators, successors, and assigns, hereby release and forever discharge the California Gambling Control Commission, the Division of Gambling Control, the Office of Problem Gambling, the Gambling Establishment, participating gambling facility, their agents, employees, officers, and Directors and those with whom they may lawfully share information regarding this exclusion or restriction (collectively, the "Released Parties") from any and all claims in law or equity that I now have, or may have in the future, against all or any of all of the Released Parties arising out of, or by reason of, the performance or non-performance of this self-exclusion/restriction request, or any matter relating thereto. I further agree, in consideration for the Released Parties' efforts to implement my exclusion or restriction, to indemnify and hold harmless the Released Parties to fullest extent permitted by law for any and all liabilities, judgments, damages, and expenses of any kind, including reasonable attorneys' fees, resulting from or in connection with the performance or non-performance of the self-exclusion/restriction requested herein.

I declare that all information submitted on or with this self-restriction form is true, correct, and complete.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

SECTION 5 NOTARIZATION

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By \_\_\_\_\_  
☐ personally known to me OR ☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public Seal:

Signature \_\_\_\_\_

My Commission expires on: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

OR

WITNESS BY KEY EMPLOYEE

As a Key Employee of \_\_\_\_\_, I affirm that on \_\_\_\_\_ (name of Establishment or participating facility) \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

I witnessed \_\_\_\_\_ (individual's name)

complete this form and that this person is:

☐ personally known to me OR  
☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Key Employee \_\_\_\_\_



State of California Use Only	
Date Received:	_____
Date Input Date:	_____
Date to CGCC:	_____

## SELF-EXCLUSION FORM

Type a print (in ink) all information requested on this form

If additional space is needed, please note response on a separate sheet of paper and attach to the form

You may hand this completed form in to any Cardroom a participating gambling facility, to the Division of Gambling Control, or the California Gambling Control Commission. Or you may mail this completed form to Division of Gambling Control, P.O. Box 168024, Sacramento, CA 95816.

### SECTION 1: PERSONAL INFORMATION

Full Legal Name:

_____	_____	_____
First	Middle (if applicable)	Last

Other Names (Former Names (such as Maiden names), Nicknames, or Aliases / A.K.A.'s):

_____
-------

Home Address:

_____	_____	_____	_____
Street	City	State	Zip Code

Mailing Address (if different than Home Address):

_____
-------

( )
-----

( )
-----

Gender: Male ☐

Female ☐

Date of Birth:

____/____/____
----------------

Race/Ethnicity:

_____
-------

Height:

_____
-------

Weight:

_____
-------

Hair Color/Type:

_____
-------

Eye Color:

_____
-------

Date of Photograph:

____/____/____
----------------

CA Drivers License:

_____
-------

Distinguishing marks (such as visible scars or tattoos - describe mark & location):

_____
-------

Type of vehicle normally driven:

_____
-------

License Plate:

_____
-------

**AFFIX A RECENT  
PASSPORT QUALITY  
PHOTOGRAPH  
HERE SHOWING  
HEAD AND SHOULDERS OF  
PERSON TO BE EXCLUDED**



SECTION 4: DECLARATION

I understand English or have had an interpreter read and explain this form to me from \_\_\_\_\_  
(Language)

(Initial Here)

(Initial Here)

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By \_\_\_\_\_

☐ personally known to me OR ☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public Seal:

Signature of Notary Public \_\_\_\_\_

My Commission expires on: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

As a Key Employee of \_\_\_\_\_ (name of Establishment or participating facility), I affirm that on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

I witnessed \_\_\_\_\_ (individual's name)

complete this form and that this person is:

☐ personally known to me OR

☐ proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Key Employee \_\_\_\_\_

**NOTE**

**Submitted Petitions Are on File in the City Clerk's Office  
and Will be Maintained Pursuant to the  
Records Retention Guidelines**

**350 SIGNED PETITIONS FROM CITIZENS OPPOSED  
TO WINE COUNTRY CASINO & RESTAURANT BEING  
LOCATED AT 1800 S. CHEROKEE LANE WHO LIVE IN  
THE RESIDENTIAL NEIGHBORHOOD BETWEEN  
KETTLEMAN & HARNEY LANE**

**PETITION OPPOSING THE PROPOSED WINE COUNTRY  
CASINO AND RESTAURANT LOCATED AT 1800 S. CHEROKEE  
LANE IN LODI, CALIFORNIA.**

We the undersigned citizens residing in Lodi, California, respectfully request that the Lodi City Council repeal the decision rendered on February 14, 2007 to allow the Wine Country Casino and Restaurant to open at 1800 S. Cherokee Lane, for the reasons stated on the attached page entitled, "Reasons for repealing the decision of the Lodi Planning Commission on February 14, 2007 to allow the Wine ~~Coun~~try Casino and Restaurant to locate at 1800 S. Cherokee Lane."

We also respectfully request the Lodi City Council to ~~re-consider~~ their decision to expand gambling in Lodi ~~from 6~~ tables with 7 patrons at each table to 8 tables with 10 patrons at each table, an expansion of 96%, for the reasons stated on the attached page entitled "Reasons for ~~re-considering~~ the Lodi city Council's decision to expand the gambling ordinance dated June 7, 2006."

**1211 SIGNED PETITIONS FROM LODI CITIZENS  
OPPOSED TO WINE COUNTRY CASINO &  
RESTAURANT BEING LOCATED AT 1800 S.  
CHEROKEE LANE, AND WHO RESPECTFULLY  
REQUEST THE LODI CITY COUNCIL TO  
RECONSIDER THE DECISION TO EXPAND  
GAMBLING ON JUNE 7,2006**

**I. |**

**PETITION OPPOSING THE PROPOSED WINE COUNTRY CASINO  
& RESTAURANT BEING LOCATED AT 1800 S. CHEROKEE LANE  
IN LODI, AND THE EXPANSION OF GAMBLING VOTED ON BY  
THE LODI CITY COUNCIL ON JUNE 7,2006.**

We the undersigned citizens of Lodi and the surrounding area who either live, work, or shop in the City of Lodi do respectfully petition the Lodi City Council **to** repeal the decision by the Lodi Planning Commission by a **3-2** vote on February 14,2007, **to** allow the Wine Country Casino & Restaurant to locate at 1800 S. Cherokee Lane Lodi, California.

We also respectfully request the **Lodi** City Council to reconsider their decision to expand gambling in Lodi from **6** tables with **7 patrons to 8** tables and 10 patrons at each table, **an** expansion of 96% on June **7,2006**.

RESOLUTION NO. 2007-71

A RESOLUTION OF THE LODI CITY COUNCIL DENYING  
THE APPEAL FROM KENNETH R. OWEN REGARDING THE  
PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL  
USE PERMIT FOR WINE COUNTRY CASINO AND RESTAURANT  
LOCATED AT 1800 SOUTH CHEROKEE LANE

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WHEREAS, notice thereof having been published according to law, an affidavit **of** which is on file in the office of the City Clerk, a public hearing was held April 18, 2007, by the Lodi City Council to consider the appeal of Kenneth R. Owen regarding the Planning Commission's approval **of** a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does deny the appeal from Kenneth R. Owen, thereby upholding the decision of the Planning Commission to approve a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane; and

BE IT FURTHER RESOLVED that the Lodi City Council does further direct the following **two** conditions be incorporated into the Conditional Use Permit: 1) limit the hours of operation to 10:00 a.m. to 2:00 a.m., Monday through Sunday; and 2) prohibit the use **of** the word "casino" in all signage.

Dated: April 18, 2007

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I hereby certify that Resolution No. 2007-71 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 18, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, and  
Mayor Johnson

NOES: COUNCIL MEMBERS – Hitchcock

ABSENT COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL  
City Clerk



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT** PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING  
COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR  
WINE COUNTRY CASINO AND RESTAURANT LOCATED AT  
1800 SOUTH CHEROKEE LANE

**PUBLISH DATE:** SATURDAY, APRIL 7, 2007


**LEGAL AD**

**TEAR SHEETS WANTED:** One (1) please

**SEND AFFIDAVIT AND BILL TO:** RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** THURSDAY, APRIL 5, 2007

**ORDERED BY:** RANDI JOHL  
CITY CLERK

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
DANA CHAPMAN  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

Faxed to the **Sentinel** at 369-1084 at \_\_\_\_\_ (time) on \_\_\_\_\_ (date) \_\_\_\_\_ (pages)  
LNS \_\_\_\_\_ Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ JLT \_\_\_\_\_ DRC \_\_\_\_\_ JMP (initials)





## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR WINE COUNTRY CASINO AND RESTAURANT LOCATED AT 1800 SOUTH CHEROKEE LANE**

On Friday, April 6, 2007, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider appeal of the Planning Commission's approval of a Conditional **Use** Permit for Wine Country Casino and Restaurant located at **1800** South Cherokee Lane (attached and marked as Exhibit A) was posted at the following locations:

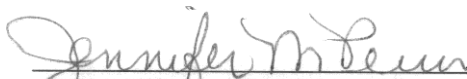
Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2007, at Lodi, California.

ORDERED BY

**RANDI JOHL  
CITY CLERK**

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

### **PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR WINE COUNTRY CASINO AND RESTAURANT LOCATED AT 1800 SOUTH CHEROKEE LANE**

On April 5, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

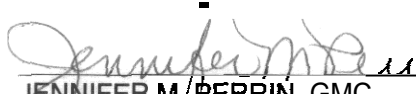
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL**  
**CITY CLERK, CITY OF LODI**

  
JENNIFER M. PERRIN, GMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK



# CITY OF LODI

**Carnegie Forum**  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

**Date: April 18, 2007**

**Time: 7:00 p.m.**

For information regarding this notice please contact:

**Randi Johl**

**City Clerk**

**Telephone: (209) 333-6702**

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, April 18, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Appeal of the Planning Commission's approval of a Conditional Use Permit for Wine Country Casino and Restaurant located at 1800 South Cherokee Lane (Wine Country Casino and Restaurant, applicant; Kenneth R. Owen, appellant)

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

**Randi Johl**  
City Clerk

Dated: **April 4, 2007**

Approved as to form:

**D. Stephen Schwabauer**  
City Attorney

# EXHIBIT B

APN	OWNER	ADDRESS	CITY	STATE	ZIP
06206034	VINTAGE INVESTMENTS PTP	3158 AUTO CENTER CIR SUITE E	STOCKTON	CA	95210
06206035	MENDONCA, ANTONIO & N ETAL	1 N CHERRY LA	LODI	CA	95240
06206047	YANG, CHUNG YAO & HSI HUNG YU	13837	SARATOGA	CA	95070
06206048	MARTIN, VERA E TR	659 COLLEGE DR	SAN JOSE	CA	95128
06206051	CROCE, LEON A TR	PO BOX 555	LODI	CA	95241
06206054	B & P INVESTMENTS PTP	PO BOX 1131	ALHAMBRA	CA	91801
06208012	FANDRICH, BERNARD G & JOANNE K	16667 N TECKLENBURG RD	LODI	CA	95240
06266067	CHEROKEE NORTH LLC	310 JAMES WAY SUITE 150	PISMO BEACH	CA	93449
06102005	BECKMAN, MARCIA A TR ETAL	PO BOX 1537	LODI	CA	95241
06102006	BECKMAN, MARCIA A TR ETAL	PO BOX 1537	LODI	CA	95241
06102007	ANAGNOS, JOHN ETAL	PO BOX 1779	WOODBIDGE	CA	95258

Notice was also posted by CD staff at the following locations:

x on project site

x at apartment complex on Cherokee & Almond